

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL ALLEN YOCOM,

Petitioner,

v.

KATHLEEN ALLISON,

Respondent.

Case No. 1:21-cv-00187-NONE-HBK

ORDER DENYING PETITIONER'S MOTION
FOR REVIEW OF PETITION

(Doc. No. 57)

ORDER DENYING PETITIONER'S MOTION
FOR EVIDENTIARY HEARING

(Doc. No. 57)

Petitioner Michael Allen Yocom, a state prisoner proceeding *pro se*, has pending a petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. No. 1). Before the Court is Petitioner's motion for review of his case and for an evidentiary hearing. (Doc. No. 57).

A. Motion for Review of Petition

Petitioner moves the Court to review the case files and briefing documents. (Doc. No. 57). The Court has the discretion to manage its own docket. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992). And while the Court endeavors to handle all matters as expeditiously as possible, this Court has "long labored under one of the heaviest caseloads in the nation." *See* Standing Order in Light of Ongoing Judicial Emergency in Eastern District of California

1 Accordingly, the Petitioner is advised that the Court will issue findings and recommendations
2 regarding his petition in due course. Therefore, Petitioner's motion for review is granted to the
3 extent that the Court will consider and review this matter as quickly as its caseload permits.


4 **B. Motion for Evidentiary Hearing**

5 Petitioner seeks an "in person" evidentiary hearing. (Doc. No. 57). Evidentiary hearings
6 are granted only under limited circumstances in habeas proceedings. *See* 28 U.S.C. §
7 2254(e)(2)(A)(ii). Although Respondent has filed an answer to the petition, the Court has not yet
8 reviewed the briefing. The Court will review the briefing and make findings and
9 recommendations in due course. If the Court determines that an evidentiary hearing is warranted,
10 it will schedule one at that time. *See* Rules Governing Section 2254 Cases, R. 8(a).

11 Accordingly, it is ORDERED:

- 12 1. Petitioner's motion for review of the petition (Doc. No. 57) is GRANTED to the
13 limited extent that the Court will review this case as expeditiously as possible in light
14 of its current caseload.
- 15 2. Petitioner's motion for evidentiary hearing (Doc. No. 57) is DENIED without
16 prejudice.

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18 Dated: January 4, 2022


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE